

**Notice of Allowability**

Application No.

09/293,669

Examiner

Dwayne K Handy

Applicant(s)

DOLEMAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 05/20/2004.
2. ☒ The allowed claim(s) is/are 9-15 and 17-20.
3. ☒ The drawings filed on 16 April 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 05/20/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Rouget (Ric) Henschel on 7/27/2004.

2. The application has been amended as follows:

Claim 9, line 8, "relative responses intensities of a human." has been changed to -- mean human olfactory odor detection thresholds for said first and second odorants. - -

Claim 17, lines 7-10, "(c ) comparing said first response intensity to said second response intensity; and (d) adjusting said first and second response intensities so that said second response intensity is greater than said first response intensity thereby validating that a sensor array detection ability mimics a human nose detection ability." has been changed to - - (c ) determining a difference between a mean human olfactory detection threshold for the first odorant and mean human olfactory detection threshold for the second odorant; (d) comparing said first response intensity to said second response intensity; and (e) adjusting said first and second response intensities so that said second response intensity is lower than said first response intensity so that a

comparison between said first and second response intensities directly correlates to the difference between the mean human olfactory thresholds for the first and second odorants, thereby matching the sensor array detection ability to a human nose detection ability. - -

Claim 19, line 8, "similar, thereby validating that said sensor array response detection ability mimics said human nose detection ability." has been changed to - - substantially identical. - -

***Allowable Subject Matter***

3. Claims 9-15 and 17-20 are allowed.
4. The following is an examiner's statement of reasons for allowance: In claims 9, 15 and 19, applicant has claimed method for validating that a sensor array mimics a human nose detection ability. The method of claim 9 includes the steps of contacting the array with known constant fractions of known vapor pressures of a first and second odorant to produce first and second response intensities, comparing the first and second response intensities, and then adjusting the first and second response intensities to match the mean human olfactory thresholds for the first and second odorants. In claim 15, the method includes computing a difference between the mean human olfactory threshold of the first and second odorants, then comparing first and second response intensities and then adjusting the first and second response intensities

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so that a comparison of the first and second intensities directly correlates to the difference between the mean human olfactory thresholds of the two odorants. Claim 19 is similar to claim 9, but specifies the value of the odorant fractions at 10%. The Examiner did not find prior art which teaches or suggests this combination of steps. The Examiner considers the reference Manzoni to be the closest prior art. Manzoni teaches a method of calibration that includes the steps of contacting a sensor to known fractions of compounds and adjusting the sensor response to the compounds, but DOES NOT teach adjusting the sensor so that the response intensities generated match the mean human olfactory detection thresholds for the known compounds.

### ***Conclusion***

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH  
July 27, 2004

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